

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DE LAGE LANDEN FINANCIAL  
SERVICES, INC.

Plaintiff

v.

DIGITAL PARTNERS OF ARKANSAS, INC.  
F/K/A RALPH CROY & ASSOCIATES, INC.

Defendant

:  
:  
:  
:  
:  
:  
:  
:  
:

No. 02-CV-4877

Judge DuBois

**AMENDED AFFIDAVIT IN SUPPORT OF ATTORNEY'S FEES INCURRED**

I, Robert E. Walton, being first duly sworn do depose and say:

1. I am the attorney for Plaintiff in the above action.

2. The contract between the parties, as averred in Plaintiff's Complaint, provides for reasonable attorneys' fees and costs.

3. I, or someone under my supervision, have performed a total of 39.60 hours of legal services as counsel for DLL, for which DLL has incurred attorney charges of \$6623.50. The filing fee for the Complaint was \$150.00 for a total amount of fees and costs of \$6773.50. Attached hereto are detailed statements of services from the law firm of Flamm, Boroff, & Bacine, PC.

4. The statements were prepared by me or pursuant to my supervision and direction.

5. The statement and the information contained therein was prepared at or about the time that the services were performed.

6. The statement was prepared in the ordinary course of the law firm's business.

7. The rate charged for our services was and is \$200-\$205 per hour for myself, \$130-\$150 per hour for Christopher C. Negrete, \$210.00 per hour for Frank P. Spada, \$165.00 per hour for William B. Callahan, and \$170-\$180 for Robert R. Watson, Jr.; all rates are those charged this particular plaintiff, a large, multi-case client; said rates are below the firm's normal hourly rates.

8. The legal services performed and the rates charged were fair and reasonable.

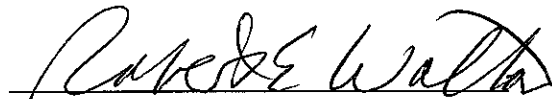
9. I have personal knowledge of the facts stated in this affidavit.

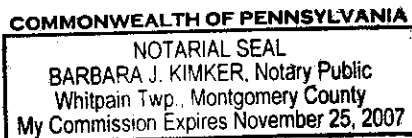
10. Defendant is indebted to Plaintiff in the amount of:

Principal due per Complaint .....	\$222,152.45
Interest from March 11, 2002 default date (per Complaint) (\$222,152.45 x .18 x 964/365 days) .....	\$105,610.67
Attorneys' fees per Complaint .....	\$6623.50
Costs .....	<u>150.00</u>
<i>total</i> \$334,536.62	

Sworn to and subscribed  
before me this      day  
of November, 2004

  
\_\_\_\_\_  
NOTARY PUBLIC

  
\_\_\_\_\_  
Robert E. Walton



Date: 11/01/04

TABS III Detail Work-In-Process Report  
Flamm, Boroff & Bacine, PC

Page: 1

Primary Timekeeper: 7 Robert E. Walton

Client: 1618.70336C De Lage Landen Financial Services, Inc.  
DE LAGE LANDEN F Croy Print Shop/Ralph Croy and Associates IncContact: Donna Pierri Milius  
Office: 610-651-5841  
Fax: 610-651-5804Primary Timekeeper: 7 REW Category: 17 Civil Litigation-Hourly  
Secondary Timekeeper: 26 CCN Rate Code: 1 Draft: REW Final: REW  
Originating Timekeeper: 7 REW Date Opened: 07/02/02

Prev Balance: 307.46

Date	Tmkr	Cat	Src	P	X	C	C	Tcode	Ref #	Rate	Hours	Amount	Write Up/Down	Description
Fees														
11/14/02	7	REW	17					61	2	205.00	0.70	143.50		Detailed telephone conference with Cherin, attorney for Croy; review offer of 200k; update DLL
11/15/02	26	CCN	17					8	1	150.00	1.00	150.00		Draft Request for Entry of Default Judgment; conference with Robert E. Walton, Esquire
11/15/02	7	REW	17					61	3	205.00	0.60	123.00		Telephone conference with Digital attorney regarding settlement (3x)
11/18/02	7	REW	17					19	4	205.00	0.40	82.00		Review 200k offer; telephone conference with Chevrin; update DLL
11/26/02	26	CCN	17					138	5	150.00	0.30	45.00		Review file; conference with Robert E. Walton, Esquire
12/10/02	7	REW	17					61	7	205.00	0.40	82.00		Telephone conference with Weiss regarding settlement
12/11/02	7	REW	17					19	9	205.00	0.60	123.00		Review file; telephone conference with opposing counsel
12/12/02	26	CCN	17					45	6	150.00	0.20	30.00		Conference with Robert E. Walton, Esquire
12/12/02	7	REW	17					61	10	205.00	0.50	102.50		Telephone conference with opposing counsel to settle; review file
12/17/02	26	CCN	17					138	8	150.00	0.60	90.00		Review file; prepared Conference Information Report; drafted Discovery Plan; left message for attorney for lessee
12/18/02	26	CCN	17					61	11	150.00	0.80	120.00		Telephone conference with attorney for lessee; drafted Proposed Discovery Plan; e-mail to attorney
12/19/02	26	CCN	17					8	12	150.00	0.30	45.00		Draft Case Information Report; reviewed Case Information Report from attorney for lessee
12/20/02	26	CCN	17					138	13	150.00	0.70	105.00		Review file; telephone conference with Judge DuBois
01/02/03	26	CCN	17					138	14	150.00	0.50	75.00		Review file; drafted Affidavit in Support of Request for Default; e-mail to Sandy Zibelman of DLL
01/02/03	26	CCN	17					19	15	150.00	0.20	30.00		Review Scheduling Order from Court
01/06/03	26	CCN	17					19	16	150.00	0.40	60.00		Review Notices of Depositions; reviewed file; called and left message for attorney for lessee
01/08/03	26	CCN	17					19	17	150.00	0.60	90.00		Review Affidavit from Sandy Zibelman of DLL; prepared for filing; left message for attorney for lessee
01/10/03	26	CCN	17					61	18	150.00	0.70	105.00		Telephone conference with attorney for lessee re depositions; call from attorney in Arkansas; participated in deposition via telephone
01/14/03	26	CCN	17					138	19	150.00	0.50	75.00		Review file; reviewed docket entries; conference with Attorney Walton
01/15/03	26	CCN	17					61	20	150.00	0.30	45.00		Telephone conference with Sandy Zibelman of DLL; reviewed file; e-mail to Sandy
01/22/03	26	CCN	17					19	21	150.00	0.10	15.00		Review Default Order
03/14/03	26	CCN	17					138	22	150.00	0.20	30.00		Review file
03/27/03	26	CCN	17					138	23	150.00	0.20	30.00		Review file
06/06/03	17	RRW	17					19	24	170.00	1.80	306.00		Review file; prepare & ECF file, Entry of Appearance and Withdrawal of Appearance; Calendar dates from scheduled Order.
06/10/03	17	RRW	17					19	25	170.00	0.50	85.00		Review Avr. Bankruptcy filings; memo to Chammin. suggestion of bankruptcy serve on counsel
06/11/03	17	RRW	17					1	26	170.00	0.80	136.00		Review file; pacer research
06/16/03	46	WBC	17					19	27	165.00	0.80	132.00		Letter to DuBois re: status order
06/16/03	17	RRW	17					52	28	170.00	0.50	85.00		Telephone conference with TX attorney
06/17/03	46	WBC	17					61	29	165.00	0.20	33.00		Conference with Judge DuBois chambers; review 41.1
06/17/03	17	RRW	17					45	30	170.00	0.60	102.00		E-mail from USDC
06/19/03	26	CCN	17					60	31	150.00	0.10	15.00		Review bankruptcy filing and forward to WBC
06/23/03	17	RRW	17					19	32	170.00	0.20	34.00		Review file
06/24/03	46	WBC	17					19	33	165.00	0.20	33.00		Memo to WBC and update chart
07/02/03	17	RRW	17					104	34	170.00	0.10	17.00		Review file; pacer research; call M. Burr Keim
07/18/03	46	WBC	17					19	35	150.00	0.40	60.00		Review UCC searches; prepare Proofs of Claim
07/30/03	46	WBC	17					19	36	150.00	0.20	30.00		Locate file for update to SJ Dubois; letter to court
10/16/03	17	RRW	17					1	37	170.00	0.80	136.00		Memo to WBC re: status
02/11/04	17	RRW	17					104	38	170.00	0.10	17.00		Review bankr. & civil suspense rules.
04/21/04	17	RRW	17					1	39	170.00	1.10	187.00		Letter to Du Bois - remove from civil suspense docket
04/27/04	17	RRW	17					52	40	170.00	0.60	102.00		Schedule conference calendar
05/03/04	17	RRW	17					1	41	170.00	0.10	17.00		Prepare for scheduling conference; conference with Court and update chart
05/18/04	17	RRW	17					1	42	170.00	0.90	153.00		Review scheduling order and calendar
05/21/04	17	RRW	17					19	43	170.00	0.20	34.00		Review order re: joint stipulation status; review
07/15/04	17	RRW	17					19	44	180.00	0.50	90.00		

EXHIBIT

A

tabbles

Date: 11/01/04

TABS III Detail Work-In-Process Report  
Flamm, Boroff & Bacine, PC

Page: 2

Primary Timekeeper: 7 Robert E. Walton

Client: 1618.70336C De Lage Landen Financial Services, Inc. (Continued)

Date	Tmkr	Cat	Src	H	T	B	R	P	X	C	C	Tcode	Ref #	Rate	Hours	Amount	Write Up/Down	Description
07/15/04	17	RRW	17									45	45	180.00	0.50	90.00		of Charin comments and file
07/26/04	17	RRW	17									1	46	180.00	0.30	54.00		Conference with Charin re: joint stipulation;
07/28/04	17	RRW	17									19	47	180.00	0.20	36.00		update REW; prepare stipulation
08/07/04	17	RRW	17									104	48	180.00	0.10	18.00		Follow up with REW re: asset availability and
08/17/04	17	RRW	17									45	49	180.00	0.20	36.00		suit - worthiness; update chart
09/06/04	17	RRW	17									104	50	180.00	0.10	18.00		Review Hydrasearch
09/07/04	17	RRW	17									45	51	180.00	0.90	162.00		Memo to REW on Hydrasearch
09/09/04	17	RRW	17									1	52	180.00	0.20	36.00		Conference with REW re: continuance of action
10/13/04	17	RRW	17									19	53	180.00	0.30	54.00		Memo to REW re: status conference
10/27/04	17	RRW	17									45	54	180.00	0.20	36.00		Conference call to SJ DuBois; conference with
10/27/04	17	RRW	17									1	55	180.00	0.60	108.00		Chanin; telecon; review motion to withdraw
10/28/04	17	RRW	17									1	56	180.00	0.20	36.00		Calendar trial; memo to AM
Total Billable Fees															25.30	4284.00		Review old scheduling orders and special listing
Billable Total 7 Robert E. Walton															3.20	656.00		order for default hearing
Billable Total 17 Robert R. Watson, Jr.															12.60	2185.00		Conference with Chambers re: telecon status;
Billable Total 26 Christopher C. Negrete															7.70	1155.00		conference; update Hornung
Billable Total 46 William B. Callahan															1.80	288.00		Message for Hornung; review file for status
Advances																		conference telecon
07/15/04	7	REW	A					7	76	16						0.14		Call from Hornung - update re: hearing
09/30/04	7	REW	A					7	76	14						0.08		
09/30/04	7	REW	A					7	76	15						0.56		
Total Advances																0.78		
Payments																		
09/24/04								93		2	Apply to: 66111					-152.96		Reimbursement for Advanced Costs
Total Payments																-152.96		

## \*\*\*\*\* R E C A P \*\*\*\*\*

Fees:	4284.00	Prev Bal:	307.46		
Expenses:	0.00	Pynt/Cr:	-152.96		
Advances:	0.78	Bal Due:	154.50	Total:	4439.28
Total WIP:	4284.78				
A/R: 0-30	31-60	61-90	91-120	121-180	181+
0.00	0.00	154.50	0.00	0.00	0.00

**FLAMM,  
BOROFF  
& BACINE, PC**

ATTORNEYS AT LAW

UNION MEETING CORPORATE CENTER • 925 HARVEST DRIVE, SUITE 220 • BLUE BELL, PA 19422  
VOICE (215) 239-6000 • FACSIMILE (215) 239-6060

NEW JERSEY OFFICE  
1030 LAUREL OAK ROAD, SUITE 2 • VORHEES, NEW JERSEY 08034  
VOICE (609) 627-0900

De Lage Landen Financial Services, Inc.  
1111 Old Eagle School Road  
Wayne PA 19087-6608

Page: 1  
September 01, 2004  
Account No: 1618-70336C  
Invoice No: 67200

Attn: Donna Pierri Milius

Croy Print Shop/Ralph Croy and Associates Inc  
24311848, 24369285,  
24387421, 24388507

*Payment is requested upon receipt of this invoice.  
Please make checks payable to: FLAMM, BOROFF & BACINE, P.C.  
Tax ID# 23-2864510*

Advances

07/15/04	Online legal research. ChoicePoint Public Records Inc. - corporate search	4.50
07/28/04	Sheriff's fee/service asset search Hydra Recoveries	150.00
	<b>Total Advances</b>	<b>154.50</b>
	<b>Total Current Work</b>	<b>154.50</b>
	<b>Previous Balance</b>	<b>\$152.96</b>
	<b>Balance Due</b>	<b><u>\$307.46</u></b>

Thank you for retaining the professional services of FLAMM, BOROFF & BACINE, P.C. Please let us know if there is anything we can do to serve you better. Any payments received after the last day of the month will appear on next month's statement.

# FLAMM, BOROFF & BACINE, PC

ATTORNEYS AT LAW

 UNION MEETING CORPORATE CENTER • 925 HARVEST DRIVE, SUITE 220 • BLUE BELL, PA 19422  
 VOICE (215) 239-6000 • FACSIMILE (215) 239-6060

 NEW JERSEY OFFICE  
 1030 LAUREL OAK ROAD, SUITE 2 • VOORHEES, NEW JERSEY 08034  
 VOICE (609) 627-0900

 De Lage Landen Financial Services, Inc.  
 1111 Old Eagle School Road  
 Wayne PA 19087-6608

 Page: 1  
 August 01, 2004  
 Account No: 1618-70336C  
 Invoice No: 66111

Attn: Donna Pierri Milius

 Croy Print Shop/Ralph Croy and Associates Inc  
 24311848, 24369285,  
 24387421, 24388507

*Payment is requested upon receipt of this invoice.  
 Please make checks payable to: FLAMM, BOROFF & BACINE, P.C.  
 Tax ID# 23-2864510*

Advances

07/28/04	Outside professional fee Hydra Recoveries; online search	152.96
	<b>Total Advances</b>	152.96
	<b>Total Current Work</b>	152.96
	<b>Previous Balance</b>	\$92.50

Payments

05/04/04	Reimbursement for Advanced Costs	-92.50
	<b>Balance Due</b>	<u><u>\$152.96</u></u>

Thank you for retaining the professional services of FLAMM, BOROFF & BACINE, P.C. Please let us know if there is anything we can do to serve you better. Any payments received after the last day of the month will appear on next month's statement.

**FLAMM,  
BOROFF  
& BACINE, PC**

**ATTORNEYS AT LAW**

UNION MEETING CORPORATE CENTER • 925 HARVEST DRIVE, SUITE 220 • BLUE BELL, PA 19422  
VOICE (215) 239-6000 • FACSIMILE (215) 239-6060

NEW JERSEY OFFICE  
1030 LAUREL OAK ROAD, SUITE 2 • VORHEES, NEW JERSEY 08034  
VOICE (609) 627-0900

De Lage Landen Financial Services, Inc.  
1111 Old Eagle School Road  
Wayne PA 19087-6608

Page: 1  
March 01, 2004  
Account No: 1618-70336C  
Invoice No: 62012

Attn: Donna Pierri Milius

Croy Print Shop/Ralph Croy and Associates Inc  
24311848, 24369285,  
24387421, 24388507

*Payment is requested upon receipt of this invoice.  
Please make checks payable to: FLAMM, BOROFF & BACINE, P.C.  
Tax ID# 23-2864510*

Advances

06/06/03	Online legal research. Pacer Service Center	
06/10/03	Online legal research. Pacer Service Center	
06/10/03	Online legal research. Pacer Service Center	
07/29/03	M. Burr Keim - Ralph Croy & Assoc - AR UCC Search and Copies	92.50
<b>Total Advances</b>		92.50
<b>Total Current Work</b>		92.50
<b>Balance Due</b>		<u><u>\$92.50</u></u>

Thank you for retaining the professional services of FLAMM, BOROFF & BACINE, P.C. Please let us know if there is anything we can do to serve you better. Any payments received after the last day of the month will appear on next month's statement.

**FLAMM,  
BOROFF  
& BACINE, PC**

ATTORNEYS AT LAW

UNION MEETING CORPORATE CENTER • 925 HARVEST DRIVE, SUITE 220 • BLUE BELL, PA 19422  
VOICE (215) 239-6000 • FACSIMILE (215) 239-6060

NEW JERSEY OFFICE  
1030 LAUREL OAK ROAD, SUITE 2 • VORHEES, NEW JERSEY 08034  
VOICE (609) 627-0900

Page: 1

June 11, 2003

De Lage Landen Financial Services, Inc.  
1111 Old Eagle School Road  
Wayne PA 19087-6608

Account No: 1618-70336C  
Invoice No: 52677

Attn: Donna Pierri Milius

Croy Print Shop/Ralph Croy and Associates Inc  
24311848, 24369285,  
24387421, 24388507

*Payment is requested upon receipt of this invoice.  
Please make checks payable to: FLAMM, BOROFF & BACINE, P.C.  
Tax ID# 23-2864510*

	Previous Balance	\$2,399.50
	<u>Payments</u>	
03/25/03	Fee Payment	-2,399.50
	Balance Due	<u><u>\$0.00</u></u>

Thank you for retaining the professional services of FLAMM, BOROFF & BACINE, P.C. Please let us know if there is anything we can do to serve you better. Any payments received after the last day of the month will appear on next month's statement.



# FLAMM, BOROFF & BACINE, PC

ATTORNEYS AT LAW

 UNION MEETING CORPORATE CENTER • 925 HARVEST DRIVE, SUITE 220 • BLUE BELL, PA 19422  
 VOICE (215) 239-6000 • FACSIMILE (215) 239-6060

 NEW JERSEY OFFICE  
 1030 LAUREL OAK ROAD, SUITE 2 • VORHEES, NEW JERSEY 08034  
 VOICE (609) 627-0900

 De Lage Landen Financial Services, Inc.  
 1111 Old Eagle School Road  
 Wayne PA 19087-6608

 Page: 1  
 November 15, 2002  
 Account No: 1618-70336C  
 Invoice No: 45765

Attn: Donna Pierri Milius

 Croy Print Shop/Ralph Croy and Associates Inc  
 24311848, 24369285,  
 24387421, 24388507

*Payment is requested upon receipt of this invoice.  
 Please make checks payable to: FLAMM, BOROFF & BACINE, P.C.  
 Tax ID# 23-2864510*

## Fees

	<u>Rate</u>	<u>Hours</u>	
06/13/02 REW Examine Stock Purchase Agreement and claims against Croy and Digital Partners - 24369295, et al; telephone conference	200.00	1.60	320.00
06/25/02 REW Review documents; telephone conference	200.00	0.60	120.00
06/26/02 REW Telephone conference; review case materials	200.00	0.60	120.00
06/27/02 REW Telephone conference (3x); review new file documents	200.00	1.00	200.00
07/08/02 CCN Review file; drafted Complaint; searched for addresses	130.00	0.60	78.00
07/09/02 CCN Draft EDPA Complaint; searched Coast to Coast for address of personal guarantor	130.00	2.50	325.00
07/10/02 FPS Review file documents and review and revise Complaint	210.00	0.60	126.00
07/11/02 CCN Review and revise EDPA Complaint; prepared Complaint for filing with the Court	130.00	1.20	156.00
08/08/02 CCN Draft Affidavit of Service	130.00	0.20	26.00

De Lage Landen Financial Services, Inc.

November 15, 2002

Account No: 1618-70336C

Invoice No: 45765

Croy Print Shop/Ralph Croy and Associates Inc  
 24311848, 24369285,  
 24387421, 24388507

	<u>Rate</u>	<u>Hours</u>	
08/09/02 CCN Draft Affidavit of Service	150.00	0.20	30.00
08/19/02 CCN Telephone call from attorney for lessee; drafted Stipulation for extension of time; faxed Stipulation to attorney; reviewed fax from attorney	150.00	0.60	90.00
08/20/02 CCN Review Stipulation from attorney for lessee; prepared Stipulation for filing	150.00	0.20	30.00
08/27/02 CCN Review approved Stipulation	150.00	0.10	15.00
09/04/02 CCN Telephone conference with attorney in Philadelphia regarding status of case	150.00	0.20	30.00
09/09/02 CCN Telephone call from attorney for lessee; reviewed file	150.00	0.20	30.00
09/11/02 CCN Draft Stipulation for Extension of Time; faxed to attorney for lessee; call from attorney; called attorney; revised Stipulation; faxed revised Stipulation; call from attorney; e-mail to attorney	150.00	0.80	120.00
09/13/02 CCN Review signed Stipulation and prepared for filing	150.00	0.10	15.00
10/10/02 FPS Phone discussion with opposing Attorney Chenin re Digital Answer and case issues	210.00	0.60	126.00
10/15/02 CCN Review file; reviewed Answer and Crossclaim of lessee	150.00	0.50	75.00
11/08/02 REW Review file in detail; telephone conference; telephone conference with opposing counsel; telephone conference; settlement discussion with opposing counsel	205.00	1.50	307.50
11/14/02 CCN Reviewed file re: default	150.00	0.40	60.00
For Current Services Rendered		14.30	2,399.50
<b>Total Current Work</b>			<b>2,399.50</b>
<b>Balance Due</b>			<b><u><u>\$2,399.50</u></u></b>

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DE LAGE LANDEN FINANCIAL  
SERVICES, INC.

Plaintiff

v.

DIGITAL PARTNERS OF ARKANSAS, INC.  
F/K/A RALPH CROY & ASSOCIATES, INC.

Defendant

No. 02-CV-4877

Judge DuBois

**CERTIFICATE OF SERVICE**

Pursuant to the Court's Electronic Case Filing Procedures, no. 7(b), the undersigned counsel hereby states that the document has been filed electronically and is available for viewing and downloading from the ECF system. Defendant's counsel, E. David Chanin, received notice of this filing through electronic service.

FLAMM, BOROFF & BACINE, PC

DATE: 11/1/04

BY: 

ROBERT E. WALTON  
ROBERT R. WATSON, JR.  
Atty. ID Nos. 15922/83787  
Union Meeting Corporate Center  
925 Harvest Drive, Suite 220  
Blue Bell, PA 19422  
(215) 239-6000  
(215) 239-6060 (fax)  
Attorneys for Plaintiff